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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,167	01/22/2002	Jose E. Fonseca	19862.00	7937

7590 02/11/2003

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EXAMINER

VO, HAI

ART UNIT	PAPER NUMBER
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1771

3

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS3

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/051,167		FONSECA, JOSE E.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Hai Vo		1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other:  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hart (US 5,320,392). The claims do not require a magnetic layer be adjacent to a rubber layer. Hart discloses a vehicle body protection pad comprising a resilient member made from neoprene rubber, a plastic member and two spaced apart magnetic strips attached to the plastic member by an adhesive (column 4, lines 15-35). It is the examiner's position that Hart anticipates the claimed subject matter.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeil (US 5,312,145). McNeil discloses an apparatus for protecting vehicle bodies comprising a first layer of magnetic sheet, a second layer of a resilient foam rubber pad secured to the first layer of magnetic sheet via stitching (figure 3, column 3, lines 11-39). McNeil teaches the first layer and the second layer are about the same size (figure 3, claim 3). McNeil fails to teach the use of an adhesive to bind the first layer

to the second layer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ an adhesive to bond the first layer to the second layer motivated by the desire to provide an improved adhesion between the first and second layers.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McNeil (US 5,312,145) as applied to claim 1 above in view of Toms et al (US 6,093,468). McNeil does not disclose the second layer made of neoprene rubber. Toms teaches a resilient foamed rubber can be made from neoprene rubber. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use neoprene rubber to form the second layer because of its easy availability and economical advantage.
6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egan (US 5,069,951) in view of Casillan (US 5,916,031). Egan discloses a bath mat comprising a upper layer 16 of anti-slip polymer, a lower layer 12 of a plasticized, flexible polymer impregnated with magnetized particles wherein the upper and lower layer are secured to each other by an adhesive 14 (figure 1, column2, lines 45-60). Egan fails to teach the upper layer formed from a rubberized composition. Casillan teaches a diving platform having a top surface made from a neoprene rubber to provide a slip-resistance (column 4, lines 21-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a neoprene rubber to form a upper layer of the bath mat to provide an inexpensive, slip-resistant, and flexible bath mat.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Tue-Fri, 8:30-6:00 and on alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV  
February 4, 2003

  
TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700